

REMARKS

This is in response to the Office Action mailed on June 24, 2004, and the references cited therewith.

Claims 1, 3, 5, 6, and 7 are amended and claims 8-19 are added; as a result, claims 1-19 are now pending in this application.

Objection to the Drawings

The drawings were objected under 37 C.F.R. 1.83(a). Applicant has amended claim 7 to omit the "seal" subject matter. Reconsideration of the objection to the drawings is respectfully requested.

Objection to the Claims

Claims 1-7 were objected to due to various informalities. Applicant has amended claim 1 to overcome this objection.

Double Patenting Rejection

Claims 1-7 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-21 of U.S. Patent No. 6,097,986. Applicant has amended claim 1 to overcome the double patenting rejection. Reconsideration and allowance is respectfully requested.

§112 Rejection of the Claims

Claims 4-7 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims as suggested by the Examiner. Reconsideration and allowance is respectfully requested.

§102 Rejection of the Claims

Claims 1-7 were rejected under 35 USC § 102(e) as being clearly anticipated by Janke et al. (U.S. Patent No. 6,097,986).

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant believes claim 1 is not anticipated by the cited reference, since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a distal tip electrode including a fixation device disposed within said electrode, said fixation device adapted for travel along a radial axis of the electrode through said surface, the fixation device including an insulating material on at least a portion of its surface, the insulating material including an active ingredient, as recited in claim 1. Reconsideration and allowance is respectfully requested.

Claims 2-7 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 1-5 were rejected under 35 USC § 103(a) as being unpatentable over Bisping (U.S. Patent No. 4,886,074).

Claim 1 has been amended to better recite the subject matter recited in the claim. Applicant believes claim 1 is not obvious in view of the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a distal tip electrode including a fixation device disposed within said electrode, said fixation device adapted for travel along a radial axis of the electrode through said surface, the fixation device including an insulating material on at least a portion of its surface, the insulating material including an active ingredient, as recited in claim 1.

Moreover, Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found in the cited reference. Since all the elements of the claim are not found in the reference, Applicant assumes that the Examiner is taking official notice of the missing elements. Applicant respectfully objects to the taking of

Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Claims 2-5 include each limitation of their parent claim and are therefore also not obvious in view of the cited reference. Reconsideration and allowance is respectfully requested.

Claim 7 was rejected under 35 USC § 103(a) as being unpatentable over Bisping (U.S. Patent No. 4,886,074). Claim 7 includes each limitation of its parent claim and is therefore not obvious in view of the cited reference.

Claims 1, 2, 3 and 7 were rejected under 35 USC § 103(a) as being unpatentable over Grassi (U.S. Patent No. 4,624,265).

Claim 1 has been amended to better recite the subject matter recited in the claim. Applicant believes claim 1 is not obvious in view of the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a distal tip electrode including a fixation device disposed within said electrode, said fixation device adapted for travel along a radial axis of the electrode through said surface, the fixation device including an insulating material on at least a portion of its surface, the insulating material including an active ingredient, as recited in claim 1.

Moreover, Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found in the cited reference. Since all the elements of the claim are not found in the reference, Applicant assumes that the Examiner is taking official notice of the missing elements. Applicant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Claims 2, 3, and 7 include each limitation of their parent claim and are therefore also not obvious in view of the cited reference. Reconsideration and allowance is respectfully requested.

Claims 4 and 5 were rejected under 35 USC § 103(a) as being unpatentable over Grassi (U.S. Patent No. 4,624,265). Claims 4 and 5 include each limitation of their parent claim and are therefore also not obvious in view of the cited reference. Reconsideration and allowance is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

AARON W. JANKE ET AL.

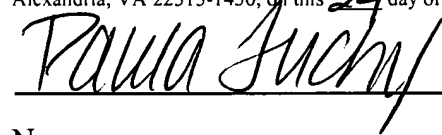
By their Representatives,

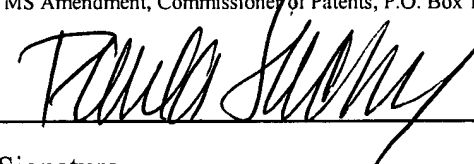
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3267

Date 9/24/04

By 
Peter C. Maki
Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of September, 2004.


Name


Signature